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Attorney for Defendant

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff

v.

BRYAN EPIS,

Defendant.

Dist. Ct.# CR S-97-381-FCD

**STIPULATION AND ORDER
CONTINUING DEFENSE DEADLINE
FOR RESPONSE**

**DATE: March 20, 2006 1:30 p.m.
COURT: Honorable Frank C. Damrell**

In the prior stipulation extending time for Defendant's response destruction of evidence issue, the parties stipulated to a defense deadline of March 5¹ and the Court continued the non-evidentiary status hearing date to March 20.

On February 28, 2006, the defense received 237 pages of discovery material from the government. Among this material is a number of new documents relating to the destruction of evidence issues. Consideration of this new material will require delaying the defense response. Additionally, current defense counsel is attempting to view or obtain the 953 pages of original discovery documents still in existence before filing the response. According to the government these discovery documents were turned over to trial counsel, J. Tony Serra, but these documents were not in the boxes of documents Serra's office turned over to present defense counsel, and Mr. Serra's office has not been able to locate the missing portions of the file. The defense is

¹ The parties inadvertently set this deadline on a Sunday.

1 making arrangements to either view those documents at the U.S. Attorney's Office, or get copies
2 of it before filing the response.

3 In order to preserve the currently set hearing date of March 20, the parties have agreed to
4 extend the deadline for a defense response to March 13.

5 WHEREFORE, IT IS HEREBY STIPULATED AND REQUESTED between plaintiff
6 United States of America and Defendant Bryan Epis, through their undersigned counsel, that the
7 schedule in this case be modified as follows:

8 (1) At Defendant's request, the deadline for filing the defense response to the
9 government's submissions on the destruction of evidence is extended to March 13, 2006.

10 (2) The non-evidentiary status hearing on the destruction of evidence issue remains set for
11 March 20, 2006 at 1:30 p.m.

12 **SO STIPULATED.**

13
14 Dated: March 3, 2006

/s/ Brenda Grantland, Esq.
BRENDA GRANTLAND, ESQ.
Attorney for Bryan Epis

15
16 Dated: March 3, 2006

/s/ Samuel Wong, Esq.
AUSA SAMUEL WONG, ESQ.
Assistant United States Attorney
Attorney for Plaintiff
United States of America

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19 **IT IS HEREBY ORDERED AS FOLLOWS:**

20 1. The defense shall have until March 13, 2006 to file a response to the government's
21 submission on the destruction of evidence issues.

22 2. The Court will conduct a non-evidentiary status hearing on the destruction of evidence
23 issue on March 20, 2006 at 1:30 p.m.

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25 Dated: March 6, 2006

/s / Frank C. Damrell Jr.
Honorable FRANK C. DAMRELL JR.